

JOSEPH P. RUSSONIELLO, CSBN 44332
 United States Attorney
 JOANN M. SWANSON, CSBN 88143
 Assistant United States Attorney
 Chief, Civil Division
 MELANIE L. PROCTOR, CSBN 228971
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102
 Telephone: (415) 436-6730
 FAX: (415) 436-7169

Attorneys for Respondents

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

MAMADOU NDOM,

Petitioner,

v.

ROBERT S. MUELLER, III, Department of
 Justice, in his Official Capacity as Director
 of FBI; MICHAEL A. CANNON, Department
 of Justice, in his Official Capacity as Director
 of NNCP; JONATHAN SCHARFEN, in his
 Official Capacity as Acting Director of USCIS;
 EVELYN UPCHURCH, in her Official Capacity
 as Director of USCIS/Texas Service Center;
 MICHAEL CHERTOFF, in his Official Capacity
 as Secretary of Department of Homeland
 Security; MICHAEL B. MUKASEY, in his
 Official Capacity as United States Attorney
 General,

Respondents.

No. C 08-3551 JCS

STIPULATION TO DISMISS WITHOUT
 PREJUDICE; ~~PROPOSED~~ ORDER

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STIPULATION TO STAY
 C 08-3551 JCS

1 In light of the fact that at this time, a Court order to adjudicate Plaintiff's adjustment of status
2 application would result in a denial, the parties hereby stipulate to dismissal of this action, without
3 prejudice. The parties shall bear their own costs and fees.

4 Dated: February 12, 2009

Respectfully submitted,

5 JOSEPH P. RUSSONIELLO
6 United States Attorney

7 /s/
8 MELANIE L. PROCTOR¹
Assistant United States Attorney
Attorneys for Defendants

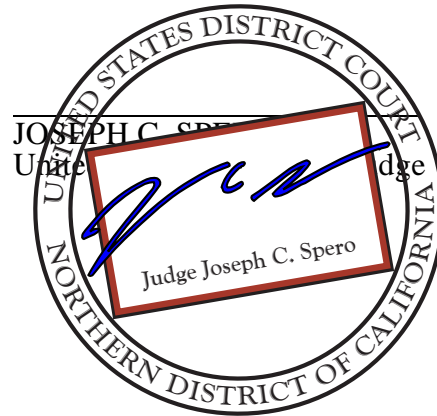
9 Dated: February 12, 2009

10 /s/
11 MAMADOU NDOM
Pro Se

12 **PROPOSED ORDER**

13 Pursuant to stipulation, IT IS SO ORDERED. All pending motions are hereby terminated. The
14 Complaint is DISMISSED without prejudice. The Clerk shall close the file.

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16 Dated: February 12, 2009



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28 ¹I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any
signatures indicated by a "conformed" signature (/S/) within this efiled document.

STIPULATION TO STAY
C 08-3551 JCS